

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DANIEL DAVID CARROCCIO

PLAINTIFF

v.

Civil No.: 1:18-CV-02059

SERGEANT EDDIE SMITH, Sebastian
County Detention Center (SCDC); CAPTAIN
DUMAS, SCDC; SHERIFF BILL
HOLLENBECK, Sebastian County, Arkansas

DEFENDANTS

ORDER

Plaintiff proceeds in this matter *pro se* pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff's failure to obey a Court order and failure to prosecute this case.

I. BACKGROUND

Plaintiff filed his Complaint on March 27, 2018. (ECF No. 1). The Plaintiff also filed a Motion for Leave to Proceed *In Forma Pauperis*. (ECF No. 2).

Also on March 27, 2018, the Court found that additional information is needed to rule on the Plaintiff's *in forma pauperis* application. The Court ordered that the Plaintiff complete a certification regarding inmate funds by April 16, 2018. (ECF No. 3). The Order stated that "[f]ailure to comply within the time period specified could result in summary dismissal for failure to obey a court order." (ECF No. 3).

The Plaintiff has not submitted the completed certification and has not communicated with the Court since filing his Complaint on March 27, 2018.

II. LEGAL STANDARD

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the ground that the plaintiff failed to prosecute or failed to comply with orders of the court. Fed. R.

Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based on “the plaintiff’s failure to comply with *any* court order.” *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added).

III. ANALYSIS

Plaintiff has failed to comply with a Court Order directing him to return a certification regarding inmate funds. Plaintiff has failed to prosecute this matter. Pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2) Plaintiff’s Complaint should be dismissed without prejudice for failure to comply with the Court’s Local Rules and Orders and failure to prosecute this case. Accordingly, Plaintiff’s Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED this 25th day of April 2018.

/s/ P. K. Holmes, III
P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE